

**FRANKLIN CITY COUNCIL  
JULY 15, 2013**

Members of the Franklin City Council met in regular session on Monday, July 15, 2013, 6:00 p.m. at the Franklin Municipal Building, Mayor Scott Lipps presiding.

Roll call showed:

Denny Centers	present
Matt Wilcher	present
Jason Faulkner	present
Scott Lipps	present
Carl Bray	present
Michael Aldridge	absent
Todd Hall	present

There was one member of the press and 6 visitors present at tonight's meeting. Also present: Mr. Jonathan Westendorf, Fire Chief; Ms. Sandra Morgan, Finance Director; Ms. Donnette Fisher, Law Director; Mr. Barry Conway, City Engineer/Zoning Official; Mr. Ross Coulton, Assistant Safety Director; Mr. Russ Whitman, Police Chief; Mr. Sonny Lewis, City Manager and Mrs. Jane McGee, Clerk of Council.

The Pledge of Allegiance was led by Mr. Bill Thornton.

Mr. Faulkner made the motion to approve the Clerk's Journal and accept the tapes as the official minutes of the July 1, 2013 regular meeting; seconded by Mr. Hall. The vote:

Mr. Wilcher	yes
Mr. Faulkner	yes
Mr. Lipps	abstain
Mr. Bray	yes
Mr. Aldridge	absent
Mr. Hall	yes
Mr. Centers	yes

Motion passed.

**PRESENTATION: 2012 WARREN COUNTY ELDERLY SERVICES PROGRAM REPORT -  
BILL THORTON, CHAIRMAN OF THE COUNCIL ON AGING OF SOUTHWESTERN OHIO  
BOARD OF TRUSTEES**

Mr. Bill Thorton presented the Warren County Elderly Services Program 2012 Annual Report to Council. He noted the following:

- Funded by a local tax levy, Council on Aging of Southwestern Ohio funds from Title III of the Older Americans Act, co-payments from participants & donations
- Served 2402 clients in 2012; 273 were Franklin clients
- Program provides supplemental help to senior citizens – enables them to stay home and helps families in providing care
- Other services available through the Council on Aging: Aging & Disability Resources Center, Assisted Living Waiver, Passport, Older Americans Act Title III, Home Grant
- Levy renewal in 2011; next levy renewal is in 2016

- Services provided: home care assistance, emergency response system, home delivered meals, medial transportation, minor home repairs, adult day service, independent living assistance, environmental services, adult day transportation, care management

Mr. Thornton added that they are grateful for the support they receive from the community.

Mayor Lipps and Council thanked him for coming tonight.

## RECEPTION OF VISITORS

Donna Doyle, 309 Oxford Road, stated she talked to most of Council before the meeting and she wants to let them know she is trying to get her house done. She continued they are welcome to take a look at it after the meeting; she has improved most of the things on the home inspection report from when she bought the home; has nothing to hide - she needs more time to get things done.

Mr. Centers asked how much time she needs. Ms. Doyle stated she wants to sell the home in the spring and hopes to have the painting (no trim) done by September/October. Issues are sanding, the weather has been a problem, time, the wood has to be stripped (showed sample of paint being stripped off), and electrical, plumbing, etc. She explained some of the repairs she has done to date, in the beginning she had help from her husband & then she got divorced. She is continuing with making repairs; thinks she can have the outside done without the details as that will take time. She has an estimate of \$70,000 for siding and leaving the molding. She feels that she can get that done cheaper as she has been subcontracting on another house. She asked if she takes on a partner and takes out a new mortgage – if that will buy her more time as she doesn't want to be hit with fines, etc. Mr. Bray asked how many units are in there now. Ms. Doyle stated currently there are two units and two roommates and they all have their own bathroom & kitchenette. Mr. Bray asked if it is a duplex. Ms. Doyle stated it is set up like a duplex – subletting all of it to cover expenses. There are 2 units in the home she rents; was multifamily, rezoned when it was in foreclosure, 3 family home per Warren County; rents out the 2 other apartments, she lives there and also has 2 roommates. She stated she is trying to turn it back into a single family home.

Mr. Faulkner asked what the status of this is - has NIC provided proper notice and how long has this been going on. Mr. Lewis stated she has a Court date this Friday and this has been going on the last two – three years. Ms. Doyle stated some of the notices were sent to the bank and to her ex-husband and that she didn't receive them.

Mr. Faulkner stated that this is now in the Court system and the Judge has to decide.

Mr. Bray added he's been getting complaints; understand the situation, but this has been going on the last several years and it didn't rain last year.

Mr. Faulkner asked when she will be ready to paint. Ms. Doyle stated she is trying to scrap/paint one side at a time – trying to get a partner & he has until September to let her know – not trying to turn it into a complex, is a temporary fix for my situation right now – worth more money as one house.

Mr. Centers asked what the Judge said the last time she was at Court. Ms. Doyle stated the last Court date was 3-4 weeks ago (June 15<sup>th</sup>). One of the contractors she had sent out the paint to be tested for asbestos and the results came back after the Court date. It wasn't asbestos.

Mr. Centers again asked what the Judge said. Ms. Doyle stated she plead no contest; he put in a plea of not guilty – hasn't been heard yet – told him about the paint being sent out for testing.

Mr. Bray asked if she thought she could have a section of the house done in another month. Ms. Doyle stated yes, absolutely, she has been working on it and the front is close. Mr. Bray stated he thought that would go a long way if she got one side painted. Ms. Doyle stated one of the problems with the front is moisture problems where it has been grinded; wants to have the paint tested to see if there is something that will remove it; and problems with moving the scaffolding.

Mr. Faulkner stated he thinks that she needs to go before Judge Ruppert with information and dates of when she can get the property in a more pleasing appearance. Ms. Doyle said she should have the front done in 30 days. Mr. Centers stated she needs to tell that to the Judge. Mayor Lipps stated she should tell the Judge she has been here and talked with Council.

Harold Dyas, 22 W. Fourth Street, stated the alley (on west side, between 4<sup>th</sup> Street & 5<sup>th</sup> Street) is in dire need of repair and would appreciate any help.

Mr. Centers asked about the paving schedule. Mr. Lewis stated we don't have one – money is in the street paving program, will look at and see what we can do.

Mr. Centers added the alley on the east side, between 4<sup>th</sup> Street & 6<sup>th</sup> Street, is also bad.

Mr. Bray stated several years ago we looked at an alley program and didn't do it. Mr. Lewis stated we had an alley program at one time and will revisit it.

Mr. Johnny Lamb, 4280 Beal Road, requested October 5<sup>th</sup> for 'Thunder on the River' with the proceeds going to the Food Pantry.

Mr. Centers asked how much money he is requesting. Mr. Lamb stated \$1,500 or whatever is approved. Mr. Wilcher asked if porta johns need to be included as there were some complaints from businesses last year.

Mr. Lewis stated we have been talking about buying equipment – tents, porta johns, etc. - to use for special events.

Mr. Faulkner asked him to type up a proposal and to present to Finance Committee at the August meeting.

Mr. Centers added that he needs to advertise better.

Mr. Bray stated you can't control the weather, have to make sure we are getting the bang for our buck as it is tax payer money – have to look at the money spent as is for all citizens.

Mr. Faulkner asked if it should be held in the summer. Mr. Lamb stated he thinks October is a good time – he wants to keep the June event and also the October event.

Mr. Centers stated he thinks it should be in July. Mr. Faulkner stated maybe need to combine the two events.

Mayor Lipps stated we all want this to work & to bring people downtown.

Mr. Lewis introduced newly hired City Engineer/Zoning Official, Mr. Barry Conway to Council. He is a great guy, high qualifications and knows Warren County.

Mayor Lipps and Council welcomed him to the City.

ORDINANCE 2013-14 EMERGENCY AMENDING ORDINANCE 2013-08 TO PROVIDE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF FRANKLIN, OHIO, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2013

Ms. Morgan stated the detailed list of the changes is attached to the memo. Several of the account changes are being reimbursed by grants, especially in Fire & EMS fund; 2 decreases to comply with State law in the TIF Fund & Unclaimed Checks Fund; additional funds in Planning Commission, Special Events, LAW, Police, Sewer, and Engineering Accounts. The Issue II Fund reflects the payments that have been made. Also included is an updated projection sheet for the General Fund.

Mr. Faulkner stated that the Finance Committee has reviewed and recommends approval.

Mr. Hall made the motion to adopt Ordinance 2013-14; seconded by Mr. Bray. The vote:

Mr. Faulkner	yes
Mr. Lipps	yes
Mr. Bray	yes
Mr. Aldridge	absent
Mr. Hall	yes
Mr. Centers	yes
Mr. Wilcher	yes

Motion passed.

RESOLUTION 2013-34 APPROVING THE FILING OF PETITION FOR FORFEITURE OF THE PROPERTIES LOCATED AT 204 LOCUST STREET AND 739 UNION ROAD AND AUTHORIZING THE EXPENDITURE OF FUNDS TO ACQUIRE SAID PROPERTIES

Ms. Fisher stated she provided a memo to Council with this information at the last meeting. This resolution approves the filing of the petition for 204 Locust Street & 739 Union Road as both are tax foreclosure cases by Warren County. Both remained unsold after two attempts to sell them; have been certified unsellable and offered to the City; and if the City doesn't want them, they are offered to the State. After staff discussions, we want to obtain the two properties. We already maintain them. To complete the forfeitures, the City must pay the outstanding tax bill on the two properties. The property at 739 Union Road has an outstanding tax bill of \$28,894.04; \$25,020.96 of that amount is owed to the City, for demolition of the structure, grass/weed cutting, utility assessments and unpaid street light assessment. We can acquire the property for \$3,873.08. The property at 204 Locust Street has an outstanding tax bill of \$7,998.95, \$2,956.72 is owed the City for grass/weed cutting, utility assessment and unpaid street lighting assessments. We can acquire this property for \$5,042.23.

The Finance Committee has discussed this. The petitions for forfeiture for these two properties were filed on June 28, 2013 as we only had 10 days to file. A Resolution also has to be approved.

Mr. Centers asked what happens if the State obtains the properties. Mr. Fisher stated they will try to sell them, if not sold, then will go back to the County – and will only get pennies on the dollar.

Mr. Centers stated he knows we are getting a good deal but what are we going to do with the properties.

Mr. Lewis stated we are looking at the possibility of a park at 739 Union Road. The property on Locust Street we see as a good investment as there could be the possibility of getting the surrounding area which is visible from 2<sup>nd</sup> Street. If that doesn't happen, we can sell the properties.

Mr. Faulkner stated that the Finance Committee did discuss this and has no problem with acquiring the two properties.

Mr. Lipps stated since we're maintaining the properties and adding to the cost every month, we should proceed.

Mr. Hall made the motion to adopt Resolution 2013-34; seconded by Mr. Wilcher. The vote:

Mr. Lipps	yes
Mr. Bray	yes
Mr. Aldridge	absent
Mr. Hall	yes
Mr. Centers	yes
Mr. Wilcher	yes
Mr. Faulkner	yes

Motion passed.

**RESOLUTION 2013-35      AUTHORIZING A CONTRACT FOR THE PURCHASE OF A GENERATOR FROM GENERATOR SYSTEMS, LLC AND A CONTRACT FOR THE INSTALLATION THEREOF WITH LAKE ERIE ELECTRIC, INC. FOR THE WATER TREATMENT PLANT**

Mr. Lewis stated that we have been putting money aside for the purchase of a back-up generator for the Water Treatment Plant. After checking the costs through State Purchasing, we can purchase the generator and installation for less than their cost (total cost of \$229,557.00). We are recommending the purchase of a 500 watt Generac generator, from Generator Systems, LLC for \$101,173.00 and installation of the Generac generator from Lake Erie Electric Inc. for \$65,840.00.

Mr. Centers & Mr. Wilcher questioned if the 500 watt generator is big enough – and do you mean 500 kilowatts, instead of 500 watts? Mr. Lewis stated that Lake Erie Electric and Koehler have looked at what's needed and both said 500 watts is sufficient but that he will check to see if it is to be watts or kilowatts. We will proceed at the cost being passed by this resolution. Also noted, that since we can do it cheaper than the State bid, we don't have to bid it out.

Mayor Lipps asked if he is comfortable that the wrong equipment won't be installed. Mr. Lewis stated that he will check on the size.

Mr. Centers stated we've been talking about this for a long time – great thing – need to do.

Mr. Faulkner made the motion to adopt Resolution 2013-35; seconded by Mr. Centers. The vote:

Mr. Bray	yes
Mr. Aldridge	absent
Mr. Hall	yes
Mr. Centers	yes
Mr. Wilcher	yes
Mr. Faulkner	yes
Mr. Lipps	yes

Motion passed.

**INTRODUCTION OF NEW LEGISLATION**

Mr. Faulkner introduced the following legislation:

Ordinance 2013-15 Authorizing the Purchase of Real Property Located at 550 South Main Street

Ordinance 2013-16 Levying Assessments for the Improvement of City Streets and Public Ways by the Lighting Thereof for the Year 201

Public Hearings will be held Monday, August 5, 2013.

#### CITY MANAGER'S REPORT

Mr. Lewis reported on the following:

- The engineering is done for the 3<sup>rd</sup> lane on Second Street; meet with Mr. Johnson, okay with everything; meet with Walgreens, still working on issues with the signage/corner/walkway; Cazadores has also been updated
- Been told, unofficially, that Speedway is not doing their improvements until February
- Tree on 4<sup>th</sup> Street – will be taken care of in next several weeks
- Landscaping program – set to start middle of August, finished next spring; will be talking with the State about maintenance issues. Also, left turn signal has been installed.  
Mr. Bray asked if all new traffic signals have to have yellow florescent around them – Mr. Lewis will check
- Need a Council Utility Committee meeting to discuss trash collection renewal and changes to the vendors license ordinance
- Kayak Park really nice – need to go and see it (Water & Street Department employees did the Park) will be having a ribbon cutting ceremony
- Fire/EMS information will be provided before the August 5 meeting – per Mr. Bray's request
- Will be off the next couple days, have to go to Indiana, will be available by cell phone

#### LAW DIRECTOR'S REPORT

None tonight.

#### COUNCIL COMMENTS

Mr. Hall stated the 4<sup>th</sup> of July parade was awesome.

Mr. Bray asked if feedback has been given back to Sandy Black about the house problem (Mr. Lewis stated yes, he did); asked for update on the liens on PH Bistro's property (Ms. Fisher stated liens were placed on the property and she will have to check with the County on the status of the liens).

Mr. Faulkner thanked everyone for attending tonight; good to see Skip Weaver back; congrats to Ms. Morgan on a perfect audit, apologize for not mentioning it at the last meeting.

Mr. Wilcher stated great parade by the Special Events Committee.

Mr. Centers stated there is a small pothole, where the house was demolished by Runge's office that needs to be checked. Also, asked if anything has been done on Judge Ruppert's recommendation to paint store front windows downtown (not yet); when the beautification project will start (middle of August); and that he will not be at the next Council meeting.

Mr. Bray stated when the weather sirens when off last month they were very loud.

Mr. Centers thanked Chief Westendorf for coming out to hear them.

Mayor Lipps stated it is good to see Skip; welcome to Mr. Conway; thanks to Donna Doyle for coming tonight; received a call about a food truck downtown; Farmers Market, spoke with Mr. Greg Myers, Ohio State Agriculture, about the Farmers Market, and he said it takes 3 years to get it established, not to get discouraged and he has some names of vendors; Historical Society dedication of Historical Marker (provided by Mr. Geoff Gorsuch, former City historian) last Saturday, also, they now have their property deed and thanks to Mr. Faulkner and Mr. Bray for attending; Franklin Area Chamber is having a ribbon cutting at 4 p.m. for Designing Digitally at Franklin Squire; and Franklin is receiving a lot of attention as we have received one of the fifteen appointments to the Warren County Fairgrounds Redevelopment Committee.

Mr. Faulkner made the motion to adjourn; seconded by Mr. Hall. The vote:

Mr. Aldridge	absent
Mr. Hall	yes
Mr. Centers	yes
Mr. Wilcher	yes
Mr. Faulkner	yes
Mr. Lipps	yes
Mr. Bray	yes

Motion passed.

Mayor Lipps adjourned the meeting at 7:23 p.m.

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Mayor

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Clerk of Council